

House File 617 - Enrolled

House File 617

AN ACT

PROVIDING FOR THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP'S ADMINISTRATION OF CERTAIN FUNCTIONS, RELATING TO FOREST AND FRUIT TREE RESERVATION REQUIREMENTS, THE NAME OF THE STATE SOIL CONSERVATION COMMITTEE, FINANCING OF SOIL CONSERVATION AND WATER QUALITY PRACTICES, THE HEALTH OF AGRICULTURAL ANIMALS, ISSUANCE OF TWO-YEAR LICENSES AND THE COLLECTION OF RELATED FEES IMPOSED UPON PERSONS ENGAGED IN THE MARKETING OF AGRICULTURAL ANIMALS AND MINING OPERATIONS, LICENSE FEES IMPOSED UPON PESTICIDE DEALERS, TICKETS FOR DELIVERING COMMODITIES IN BULK, LABELING OF MOTOR FUEL PUMPS DISPENSING CERTAIN ETHANOL BLENDED GASOLINE, THE USE OF SCALES, PROVIDING FOR PENALTIES, MAKING PENALTIES APPLICABLE, AND INCLUDING EFFECTIVE DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 159.5, subsection 12, Code 2017, is amended to read as follows:

12. Create and maintain a division of soil conservation

and water quality as provided in [chapter 161A](#). The division's director shall be appointed by the secretary from a list of names of persons recommended by the soil conservation and water quality committee, pursuant to [section 161A.4](#), and shall serve at the pleasure of the secretary. The director shall be the administrator responsible for carrying out the provisions of chapters 207 and [208](#).

Sec. 2. Section 159.6, subsection 1, Code 2017, is amended by striking the subsection.

Sec. 3. Section 161A.3, subsection 4, Code 2017, is amended to read as follows:

4. *"Committee" or "~~state soil conservation committee~~"* means the state soil conservation and water quality committee established by in [section 161A.4](#).

Sec. 4. Section 161A.4, subsection 1, Code 2017, is amended to read as follows:

1. The division of soil conservation and water quality created within the department pursuant to [section 159.5](#) shall perform the functions conferred upon it in [this chapter](#) and chapters 161C, [161E](#), [161F](#), [207](#), and [208](#). The division shall be administered in accordance with the policies of the ~~state soil conservation~~ committee, which shall advise the division and which shall approve administrative rules proposed by the division for the administration of [this chapter](#) and chapters 161C, [161E](#), [161F](#), [207](#), and [208](#) before the rules are adopted pursuant to [section 17A.5](#). If a difference exists between the committee and secretary regarding the content of a proposed rule, the secretary shall notify the chairperson of the committee of the difference within thirty days from the committee's action on the rule. The secretary and the committee shall meet to resolve the difference within thirty days after the secretary provides the committee with notice of the difference.

Sec. 5. Section 161A.4, subsection 4, unnumbered paragraph 1, Code 2017, is amended to read as follows:

A state soil conservation and water quality committee is established within the department.

Sec. 6. Section 161A.4, subsection 6, paragraph c, Code 2017, is amended to read as follows:

c. The committee shall recommend three persons to the secretary of agriculture who shall appoint from the persons recommended a director to head the division and serve at the pleasure of the secretary. After reviewing the names submitted, the secretary may request that the ~~soil conservation~~ committee submit additional names for consideration.

Sec. 7. Section 161A.5, subsections 1 and 2, Code 2017, are amended to read as follows:

1. The one hundred soil and water conservation districts established in the manner which was prescribed by law prior to July 1, 1975 shall continue in existence with the boundaries and the names in effect on July 1, 1975. If the existence of a district so established is discontinued pursuant to section 161A.10, a petition for reestablishment of the district or for annexation of the former district's territory to any other abutting district may be submitted to, and shall be acted upon by, the ~~state soil conservation~~ committee in substantially the manner provided by [section 467A.5](#), Code 1975.

2. The governing body of each district shall consist of five commissioners elected on a nonpartisan basis for staggered four-year terms commencing on the first day of January that is not a Sunday or holiday following their election. Any eligible elector residing in the district is eligible to the office of commissioner, except that no more than one commissioner shall at any one time be a resident of any one township. A vacancy is created in the office of any commissioner who changes residence into a township where another commissioner then resides. If a commissioner is absent for sixty or more percent of monthly meetings during any twelve-month period, the other commissioners by their unanimous vote may declare the member's office vacant. A vacancy in the office of commissioner shall be filled by appointment of the ~~state soil conservation~~ committee until the next succeeding general election, at which time the balance of the unexpired term shall be filled as provided by [section 69.12](#).

Sec. 8. Section 161A.7, subsection 1, paragraph k, Code 2017, is amended to read as follows:

k. Subject to the approval of the ~~state soil conservation~~ committee, to change the name of the soil and water

conservation district.

Sec. 9. Section 161A.7, subsection 3, Code 2017, is amended to read as follows:

3. The commissioners, as a condition for the receipt of any state cost-sharing funds for permanent soil conservation practices, shall require the owner of the land on which the practices are to be established to covenant and file, in the office of the ~~soil and water conservation~~ district of the county in which the land is located, an agreement identifying the particular lands upon which the practices for which state cost-sharing funds are to be received will be established, and providing that the project will not be removed, altered, or modified so as to lessen its effectiveness without the consent of the commissioners, obtained in advance and based on guidelines drawn up by the ~~state soil conservation~~ committee, for a period not to exceed twenty years after the date of receiving payment. The commissioners shall assist the division in the enforcement of [this subsection](#). The agreement does not create a lien on the land, but is a charge personally against the owner of the land at the time of removal, alteration, or modification if an administrative order is made under section 161A.61, subsection 3.

Sec. 10. Section 161A.22, Code 2017, is amended to read as follows:

161A.22 General powers applicable — warrants or bonds.

1. A subdistrict organized under [this chapter](#) has all of the powers of a ~~soil and water conservation~~ district in addition to other powers granted to the subdistrict in other sections of this chapter.

2. The governing body of the subdistrict, upon determination that benefits from works of improvement as set forth in the watershed work plan to be installed will exceed costs thereof, and that funds needed for purposes of the subdistrict require levy of a special benefit assessment as provided in [section 161A.23](#), in lieu of the special annual tax as provided in [section 161A.20](#), shall record its decision to use its taxing authority and, upon majority vote of the governing body and with the approval of the ~~state soil conservation~~ committee, may issue warrants or bonds payable

in not more than forty semiannual installments in connection with the special benefit assessment, and pledge and assign the proceeds of the special benefit assessment and other revenues of the subdistrict as security for the warrants or bonds. The warrants and bonds of indebtedness are general obligations of the subdistrict, exempt from all taxes, state and local, and are not indebtedness of the ~~soil and water conservation~~ district or the state of Iowa.

Sec. 11. Section 161A.44, unnumbered paragraph 1, Code 2017, is amended to read as follows:

The commissioners of each ~~soil and water conservation~~ district shall, with approval of and within time limits set by administrative order of the ~~state soil conservation~~ committee, adopt reasonable regulations as are deemed necessary to establish a soil loss limit or limits for the district and provide for the implementation of the limit or limits, ~~and~~. A district may subsequently amend or repeal ~~their~~ its regulations as ~~they deem~~ it deems necessary. The committee shall review the soil loss limit regulations adopted by the ~~soil and water conservation~~ districts at least once every five years, and shall recommend changes in the regulations of a ~~soil and water conservation~~ district which the committee deems necessary to assure that the district's soil loss limits are reasonable and attainable. The commissioners may:

Sec. 12. Section 161A.44, subsection 2, Code 2017, is amended to read as follows:

2. Establish different soil loss limits for different classes of land in the district if in their judgment and that of the ~~state soil conservation~~ committee a lower soil loss limit should be applied to some land than can reasonably be applied to other land in the district, it being the intent of the general assembly that no land in the state be assigned a soil loss limit that cannot reasonably be applied to such land.

Sec. 13. Section 161A.44, subsection 3, paragraph c, subparagraph (3), Code 2017, is amended to read as follows:

(3) That any owner or operator of agricultural land refrain from fall plowing of land on which the owner or operator intends to raise a crop during the next succeeding growing season, however on those lands which are prone to excessive

wind erosion the commissioners may require that reasonable temporary measures be taken to minimize the likelihood of wind erosion so long as such measures do not unduly increase the cost of operation of the farm on which the land is located. ~~However, fall plowing of soil which is commonly known as gumbo shall always be permitted.~~

Sec. 14. Section 161A.71, subsection 4, Code 2017, is amended to read as follows:

4. [This section](#) does not negate the provisions of section 161A.48 that an owner or occupant of land in this state shall not be required to establish any new soil and water conservation practice unless public cost-sharing funds have been approved and are available for the land affected. However, the owner of land with respect to which an administrative order to establish soil and water conservation practices has been issued under [section 161A.47](#) but not complied with for lack of public cost-sharing funds, may waive the right to await availability of such funds and instead apply for a loan under [this section](#) to establish any permanent soil and water conservation practices necessary to comply with the order. If a landowner does so, that loan application shall be given reasonable preference by the ~~state soil conservation~~ committee if there are applications for more loans under this section than can be made from the money available in the conservation practices revolving loan fund. If it is found necessary to deny an application for a soil and water conservation practices loan to a landowner who has waived the right to availability of public cost-sharing funds before complying with an administrative order issued under section 161A.47, the landowner's waiver is void.

Sec. 15. Section 161A.73, subsection 1, paragraphs a and b, Code 2017, are amended to read as follows:

a. The allocation of cost-share moneys as financial incentives provided for the purpose of establishing permanent soil and water conservation practices, including but not limited to terraces, diversions, grade stabilization structures, grassed waterways, and critical area planting. ~~The~~ Except for edge-of-field practices, financial incentives shall not exceed fifty percent of the estimated cost of establishing

the practices, or fifty percent of the actual cost, whichever is less.

b. The allocation of moneys as financial incentives provided for the purpose of establishing management practices to control soil erosion on land that is row cropped, including but not limited to cover crops, no-till planting, ridge-till planting, contouring, and contour strip-cropping. The division shall by rule establish limits on the amount of incentives which shall be authorized for payment to landowners upon establishment of the practice.

Sec. 16. Section 161C.1, subsection 1, Code 2017, is amended to read as follows:

1. "~~Committee~~" or "~~state soil conservation committee~~" means the state soil conservation and water quality committee established by in section 161A.4.

Sec. 17. Section 161C.4, subsection 1, Code 2017, is amended to read as follows:

1. A water protection fund is created within the division. The fund is composed of money appropriated by the general assembly for that purpose, and moneys available to and obtained or accepted by the ~~state soil conservation~~ committee from the United States or private sources for placement in the fund. The fund shall be a revolving fund from which moneys may be used for loans, grants, administrative costs, and cost-sharing.

Sec. 18. Section 163.30, subsection 3, paragraphs a and c, Code 2017, are amended to read as follows:

a. The fee for a dealer's license is ~~five~~ ten dollars each year. A dealer's license expires on the first day of the second July following the date of issue. A An initial license shall be numbered and ~~the dealer~~ any subsequent or renewed license issued to that dealer shall retain the same license number ~~from year to year~~.

c. Each employee or agent doing business by buying for resale, selling, or exchanging feeder swine in the name of a licensed dealer ~~shall be required to secure~~ must obtain a permit issued by the department showing the person is employed by or represents a licensed dealer. ~~All such permits~~ A permit shall be issued upon the department's approval of a completed application. An application forms form shall be furnished by

the department ~~at a cost of three.~~ The fee for a permit is six dollars per annum, and. A permit shall expire on the first day of the second July following the date of issue.

Sec. 19. Section 163.30, subsection 5, paragraph b, Code 2017, is amended to read as follows:

b. Registered swine for exhibition or breeding purposes which can be individually identified by ~~an ear notch or tattoo or other~~ a method approved by the department are excepted from the identification requirement.

Sec. 20. Section 163.41, Code 2017, is amended to read as follows:

163.41 License required.

1. A person shall not engage in the business of leasing a breeding bull without having obtained a license ~~from~~ issued by the department and registering each breeding bull with the department as provided in ~~this subchapter~~ section 163.42. ~~An annual~~ The license may be obtained ~~from the department~~ upon completing an application and payment of a ten-dollar for approval by the department. The license fee is twenty dollars. ~~Each~~ The license shall expire on the first day of the second July following the date of issue.

2. An application for a license shall be made on a form provided by the department and shall contain the name of the person engaged in the business of leasing breeding bulls as lessor, the address of such business, the registration number of each breeding bull, and a description as to breed, color and other distinguishing marks, leased as lessor, and such other information as the secretary of agriculture may specify by rule ~~promulgated~~ adopted pursuant to chapter 17A.

3. For the purposes of this section, a person is engaged in the business of leasing a breeding bull within this state as lessor if the person leases any breeding bull to an Iowa resident more than once in any calendar year for a fee.

Sec. 21. Section 164.1, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. "*Department*" means the department of agriculture and land stewardship.

Sec. 22. Section 164.3, Code 2017, is amended to read as follows:

164.3 Female ~~designated~~ animals vaccinated.

Native female bovine animals of any breed between the ages of four months and ~~ten~~ twelve months may be officially vaccinated for brucellosis according to procedures approved by the United States department of agriculture. Native female designated animals other than bovine animals may be vaccinated as provided by rules adopted by the department. The expense of the vaccination shall be borne in the same manner as provided in [section 164.6](#).

Sec. 23. Section 166.1, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. "*Department*" means the department of agriculture and land stewardship.

NEW SUBSECTION. 5. "*Secretary*" means the secretary of agriculture.

Sec. 24. Section 166.42, subsection 2, Code 2017, is amended to read as follows:

2. The secretary is authorized to sell or otherwise dispose of classical-swine-fever vaccine ~~and~~ or serum ~~at such time as the state is declared a classical swine fever free state by the United States department of agriculture,~~ or if the potency of such vaccine ~~and~~ or serum is in doubt. Money received under provisions of [this section](#) shall be paid into the state treasury.

Sec. 25. Section 166A.1, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "*Department*" means the department of agriculture and land stewardship.

Sec. 26. Section 166A.2, Code 2017, is amended to read as follows:

166A.2 Sheep dealer's license.

~~1. Any person engaged~~ A person shall not act as a dealer ~~shall be required to obtain~~ unless the person obtains a license ~~from~~ issued by the department. ~~The fee for such license shall be five~~ fee is ten ~~dollars per year and all licenses shall expire.~~ A license expires on the first day of the second July following date of issue. ~~Licenses~~ An initial license shall be numbered and the dealer any subsequent or renewed license issued to the dealer shall retain the same number ~~from year to~~

year. An application for a license must be prepared on a form furnished by the department.

~~Applications for licenses shall be made upon blanks furnished by the department.~~

2. For good and sufficient grounds the department may refuse to grant a license to any applicant, and it may also revoke a license ~~to any applicant~~ obtained by a dealer for a violation of any provision of **this chapter**, or for the refusal or failure of ~~any licensee a dealer~~ to obey the lawful directions of the department.

3. Any person who is licensed as a sheep dealer under chapter 172A shall be exempt from **this section**.

Sec. 27. Section 168.3, Code 2017, is amended to read as follows:

168.3 ~~Term and~~ License fee and expiration.

The fee for obtaining a license fee issued under section 168.2 shall be ~~ten~~ twenty dollars ~~per annum~~, and each such license shall expire on the second July 1 after the date of issue.

Sec. 28. Section 172A.1, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. "*Department*" means the department of agriculture and land stewardship.

NEW SUBSECTION. 5. "*Secretary*" means the secretary of agriculture.

Sec. 29. Section 172A.2, Code 2017, is amended to read as follows:

172A.2 License required.

1. ~~No~~ A person shall not act as a dealer or broker without ~~first being licensed~~ obtaining a license issued by the secretary. ~~No~~ A person shall not act for any dealer or broker as an agent unless such dealer or broker is licensed, has designated such agent to act in the dealer's or broker's behalf, and has notified the secretary of the designation in the dealer's or broker's application for license or has given official notice in writing of the appointment of the agent and the secretary has issued to the agent an agent's license. A dealer or broker shall be accountable and responsible for contracts made by an agent in the course of the agent's

employment. The license of an agent whose employment by the dealer or broker is terminated shall be void on the date written notice of termination is received by the secretary.

2. The license of a dealer, broker, or agent, unless revoked, shall expire on the last day of the second June following the date of issue. The ~~annual~~ fee for ~~the~~ obtaining a license of ~~as~~ a dealer or broker is fifty one hundred dollars. The ~~annual~~ fee for ~~an agent's~~ obtaining a license as an agent is ~~ten~~ twenty dollars.

3. ~~No~~ A person ~~may~~ shall not be issued a license if that person previously has had a license revoked, or previously was issued a license and the secretary suspended that license, unless the order of suspension or revocation is thereafter terminated by the secretary.

Sec. 30. Section 189A.18, Code 2017, is amended to read as follows:

189A.18 Humane slaughter practices.

Every establishment subject to the provisions of this chapter engaged in the slaughter of bovine, porcine, caprine, or ovine animals or farm deer shall slaughter all such animals in an approved humane slaughtering method. For purposes of this section, an approved humane slaughtering method shall include and be limited to slaughter by shooting, electrical shock, captive bolt, or use of carbon dioxide gas prior to the animal being shackle hoisted, thrown, cast, or cut; however, the slaughtering, handling, or other preparation of livestock in accordance with the ritual requirements of the Jewish or any other faith that prescribes and requires a method whereby slaughter becomes effected by severance of the carotid arteries with a sharp instrument is hereby designated and approved as a humane method of slaughter under the law.

Sec. 31. Section 196.3, Code 2017, is amended to read as follows:

196.3 Egg handler's license and — fee and expiration.

1. Every egg handler shall obtain ~~an annual~~ a license ~~from~~ issued by the department. The license fee for the license shall be determined on the basis of the total number of eggs purchased or handled during the preceding month of April ~~in each calendar year~~ as follows:

a. Less than one hundred twenty-five cases ~~\$20.20~~
\$40.40

b. One hundred twenty-five cases or more but less than two hundred fifty cases ~~\$47.25~~
\$94.50

c. Two hundred fifty cases or more but less than one thousand cases ~~\$67.50~~
\$135.00

d. One thousand cases or more but less than five thousand cases ~~\$135.00~~
\$270.00

e. Five thousand cases or more but less than ten thousand cases ~~\$236.25~~
\$472.50

f. Ten thousand cases or more ~~\$337.50~~
\$675.00

2. The license shall expire ~~one year~~ two years after ~~its~~ the license's date of issue.

3. For the purpose of determining ~~fees~~ the license fee, a case shall be thirty dozen eggs.

4. All license fees collected under this section shall be remitted to the treasurer of state for deposit in the general fund of the state.

~~3.~~ 5. If an egg handler is not operating during the month of April preceding the date that the license is to be issued, the department shall estimate the volume of eggs purchased or handled, or both, and may revise the license fee based on three months of operation.

Sec. 32. Section 197.1, Code 2017, is amended to read as follows:

197.1 License.

~~1.~~ Every person, ~~partnership, or corporation~~ engaged in the business of buying poultry or domestic ~~fowls~~ fowl for the market from ~~the~~ a producer, shall obtain a poultry dealer's license from the department for each establishment at which business is conducted.

~~2.~~ The word "producer" as used in ~~this chapter~~ shall include

~~anyone not a licensed dealer who has acquired such poultry or domestic fowls other than through a licensed dealer.~~

Sec. 33. NEW SECTION. 197.1A **Definitions.**

1. "*Department*" means the department of agriculture and land stewardship.

2. "*Producer*" means a person, not a licensed dealer under section 197.1, who acquires poultry or domestic fowl other than through a licensed dealer.

Sec. 34. Section 197.2, Code 2017, is amended to read as follows:

197.2 Fee License — fee and expiration.

The license fee shall be ~~three~~ six dollars per annum, and each. A license shall expire on the first day of the second March ~~after following~~ the date of issue.

Sec. 35. Section 198.2, Code 2017, is amended to read as follows:

198.2 Enforcing official.

This chapter shall be administered by the secretary of agriculture.

Sec. 36. Section 198.3, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. "*Department*" means the department of agriculture and land stewardship.

NEW SUBSECTION. 19A. "*Secretary*" means the secretary of agriculture.

Sec. 37. Section 198.4, subsections 2 and 4, Code 2017, are amended to read as follows:

2. A person shall obtain a license issued by the secretary, for each facility which distributes in or into the state, authorizing the person to manufacture or distribute commercial feed before the person engages in such activity. Any person who makes only retail sales of commercial feed which bears labeling or other approved indication that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the tonnage inspection fee due under [section 198.9](#) is not required to obtain a license.

4. A person obtaining a license under [this section](#) shall pay to the secretary a license fee of ~~ten~~ twenty dollars. Fees ~~relating to the issuance of licenses~~ The fee shall be paid by

July 1 of each year and the license shall expire two years after that date.

Sec. 38. Section 199.1, subsection 16, paragraph a, Code 2017, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) Palmer amaranth — *Amaranthus palmeri*.

Sec. 39. Section 200.3, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. "*Department*" means the department of agriculture and land stewardship.

NEW SUBSECTION. 23A. "*Secretary*" means the secretary of agriculture.

Sec. 40. Section 200.4, Code 2017, is amended to read as follows:

200.4 Licenses License — fee and expiration.

1. Any person who manufactures, mixes, blends, mixes to customer's order, offers for sale, sells, or distributes any fertilizer or soil conditioner in Iowa this state must first obtain a license ~~from~~ issued by the secretary of agriculture and shall pay a ~~ten-dollar~~ twenty dollar license fee for each place of manufacture or distribution from which fertilizer or soil conditioner products are sold or distributed in Iowa this state. ~~Such~~ The license fee shall ~~be paid annually~~ expire on the first day of the second July 1 of each year following the date of issue.

2. ~~Said~~ The licensee shall at all times produce an intimate and uniform mixture of fertilizers or soil conditioners. When two or more fertilizer materials are delivered in the same load, they shall be thoroughly and uniformly mixed unless they are in separate compartments.

Sec. 41. Section 200.5, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. The secretary shall establish minimum requirements for the registration of fertilizers and soil conditioners by efficacy testing or the substantiation of data relevant to Iowa crops and soils.

Sec. 42. Section 200A.13, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The department may assess a civil penalty for a violation of this chapter which shall not exceed five hundred dollars. Each day that a violation continues shall constitute a separate violation. Moneys collected in civil penalties shall be deposited in the general fund of the state.

Sec. 43. Section 206.2, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 26A. "*Secretary*" means the secretary of agriculture.

Sec. 44. Section 206.8, subsection 2, Code 2017, is amended to read as follows:

2. The annual license fee for a pesticide dealer is due and payable by June 30 of each year to the department. The annual license fee is based on the gross retail sales of all pesticides sold for use in this state by the dealer in the previous year. The license fee shall be set as follows:

a. (1) A pesticide dealer with less than one hundred thousand dollars in gross retail pesticide sales shall ~~have the option to pay a license fee based on one-tenth of one percent of the gross retail pesticide sales in the previous year or to~~ pay a license fee according to the following schedule:

(a) Ten dollars, if the annual gross retail pesticide sales are less than ten thousand dollars.

(b) Twenty-five dollars, if the annual gross retail pesticide sales are ten thousand dollars or more but less than twenty-five thousand dollars.

~~(b)~~ (c) Fifty dollars, if the annual gross retail pesticide sales are twenty-five thousand dollars or more but less than fifty thousand dollars.

~~(e)~~ (d) Seventy-five dollars, if the annual gross retail pesticide sales are fifty thousand dollars or more but less than seventy-five thousand dollars.

~~(d)~~ (e) One hundred dollars, if the annual gross retail pesticide sales are seventy-five thousand dollars or more but less than one hundred thousand dollars.

(2) The secretary shall provide for a three-month grace period for licensure and shall impose a late fee of ~~ten dollars~~

~~upon the licensure of a dealer applying for licensure during the month of October, a late fee of fifteen dollars upon the licensure of a dealer applying for licensure during the month of November, a late fee of twenty-five dollars upon the licensure of a dealer applying for licensure during the month of December, and a late fee of twenty-five dollars upon the licensure of a dealer applying for licensure for each month after the month of December.~~

b. (1) A pesticide dealer with one hundred thousand dollars or more in gross retail pesticide sales shall pay a license fee based on one-tenth of one percent of the gross retail pesticide sales in the previous year.

(2) The secretary shall provide for a three-month grace period for licensure and shall impose a late fee of ~~two percent of the license fee upon the licensure of a dealer applying for licensure during the month of October, a late fee of four percent of the license fee upon the licensure of a dealer applying for licensure during the month of November, a late fee of five percent of the license fee upon the licensure of a dealer applying for licensure during the month of December, and a late fee of five percent upon the licensure of a dealer applying for licensure for each month after the month of December~~ of the license fee calculated in subparagraph (1).

Sec. 45. Section 207.2, subsection 2, Code 2017, is amended to read as follows:

2. "Committee" means the state soil conservation and water quality committee established in section 161A.4.

Sec. 46. Section 208.2, subsection 3, Code 2017, is amended to read as follows:

3. "Committee" means the state soil conservation and water quality committee established in section 161A.4.

Sec. 47. Section 208.7, Code 2017, is amended to read as follows:

208.7 Mining license — fees and expirations.

An operator shall not engage in mining as defined by section 208.2 without first obtaining a license from the division. Licenses A license shall be issued and renewed upon approval by the division following the submission of a completed

application by the operator. ~~Applications~~ An application shall be submitted on a form provided by the division and shall be accompanied by a license fee of fifty dollars. Each applicant shall be required to furnish on the form information necessary to identify the applicant. ~~Licenses~~ The initial license shall expire on December 31 of ~~each~~ the year and of issue. An initial license shall be renewed by the division as required by the division. The renewed license shall expire the last day of the second December following the date of issue. The division shall renew a license upon approving an application submitted within thirty days prior to the expiration date and. The application for a renewed license must be accompanied by a fee of ~~ten~~ twenty dollars. However, a political subdivision shall not be required to pay a license ~~application or renewal~~ fee.

Sec. 48. NEW SECTION. 212.1A Definitions.

As used in this chapter, unless the context otherwise requires, "*department*" means the department of agriculture and land stewardship.

Sec. 49. Section 212.2, Code 2017, is amended to read as follows:

212.2 Delivery tickets required.

~~No~~ A person shall not deliver any bulk commodities, other than liquids, by vehicle unless otherwise provided for, without each such delivery being accompanied by two duplicate delivery tickets, ~~on each of which.~~ Each delivery ticket shall be written in ink or other indelible substance and include all of the following:

1. The actual weight distinctly expressed in pounds or kilograms of the gross weight of the load, ~~the.~~
2. The tare of the delivery vehicle, and the net amount in weight of the commodity or, if the commodity is weighed by hopper scale or belt conveyor, the net weight of the commodity expressed in pounds or kilograms without expression of the tare of the delivery vehicle or the gross weight of the load.
3. The ~~delivery ticket shall display the~~ names of the purchaser and the dealer from whom the commodity was purchased.
4. The date delivered and the type of commodity being delivered.

Sec. 50. Section 212.3, Code 2017, is amended to read as

follows:

212.3 Disposition of delivery tickets.

One ~~of said duplicate tickets~~ delivery ticket described in section 212.3 shall be delivered to the vendee and the other ~~one duplicative delivery ticket~~ shall be returned to the vendor or retained electronically by the vendor if approval from the department has previously been granted. Upon demand of the department the person in charge of the load shall surrender one of ~~said the duplicate~~ delivery tickets to the person making such demand. If ~~said the duplicative delivery~~ ticket is retained, an official weight slip shall be delivered by ~~said the~~ department to the vendee or the vendee's agent.

Sec. 51. Section 214A.16, subsection 1, paragraph c, Code 2017, is amended to read as follows:

c. If the motor fuel pump dispenses ethanol blended gasoline classified as higher than standard ethanol blended gasoline pursuant to [section 214A.2](#), the decal shall contain ~~the following notice:~~ language that the ethanol blended gasoline is for use in flexible fuel vehicles.

~~FOR FLEXIBLE FUEL VEHICLES ONLY.~~

Sec. 52. Section 215.19, Code 2017, is amended to read as follows:

215.19 Automatic recorders on scales.

Except for scales used by packers slaughtering fewer than one hundred twenty head of livestock per day, all scales with a capacity over five hundred pounds, which are used for commercial purposes in ~~the this state of Iowa~~, and installed after January 1, 1981, shall be equipped with ~~either~~ a type-registering weigh beam, a dial with a mechanical ticket printer, an automatic weight recorder, or some similar device which shall be used for printing or stamping the weight values on scale tickets. A scale equipped with a malfunctioning automatic weight recorder may be used for not more than seven days if the device is unable to print or stamp the ticket so long as a repair to the automatic recorder is immediately initiated and the user dates, signs, and accurately handwrites the required information on the ticket until the device is operational.

Sec. 53. Section 266.39, subsection 3, paragraph a, subparagraph (7), Code 2017, is amended to read as follows:

(7) One man and one woman, actively engaged in agricultural production, appointed by the state soil conservation and water quality committee established in section 161A.4.

Sec. 54. Section 308.1, Code 2017, is amended to read as follows:

308.1 Planning commission.

The Mississippi parkway planning commission shall be composed of ten members appointed by the governor, five members to be appointed for two-year terms beginning July 1, 1959, and five members to be appointed for four-year terms beginning July 1, 1959. In addition to the above members there shall be seven advisory ex officio members who shall be as follows: One member from the state transportation commission, one member from the natural resource commission, one member from the state soil conservation and water quality committee, one member from the state historical society of Iowa, one member from the faculty of the landscape architectural division of the Iowa state university of science and technology, one member from the economic development authority, and one member from the environmental protection commission. Members and ex officio members shall serve without pay, but the actual and necessary expenses of members and ex officio members may be paid if the commission so orders and if the commission has funds available for that purpose.

Sec. 55. Section 460.303, subsection 1, Code 2017, is amended to read as follows:

1. An agricultural drainage well water quality assistance fund is created in the state treasury under the control of the division. The fund is composed of moneys appropriated by the general assembly, and moneys available to and obtained or accepted by the division or the state soil conservation and water quality committee established pursuant to in section 161A.4, from the United States or private sources for placement in the fund.

Sec. 56. EFFECTIVE DATE. The sections of this Act amending sections 163.30, 163.41, 166A.2, 168.3, and 198.4 take effect June 1, 2017.

Sec. 57. EFFECTIVE DATE. The section of this Act amending section 200.4 takes effect June 1, 2018.

LINDA UPMEYER
Speaker of the House

JACK WHITVER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 617, Eighty-seventh General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2017

TERRY E. BRANSTAD
Governor